

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.2188 of 2016

Date of Decision: 05.07.2017

Rakesh Mohan Jain

.....Petitioner

Vs.

Rohit Aggarwal and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Arjun Kundra, Advocate, for the petitioner.

Mr.Akshay Jindal, Advocate, for the respondents.

RITU BAHRI, J. (ORAL)

The petitioner has come up in revision against the order dated 09.03.2016 whereby, an application under Order 6 Rule 17 of CPC for amendment of written statement filed by the petitioner has been dismissed.

Petitioner is defendant No.1 in the suit filed by him for possession by specific performance dated 16.02.1996. In this trial, counsel for the petitioner states that the written statements were filed on 28.07.2015 and 26.10.2012. After filing the written statements, when the trial Court is at the stage of recording the evidence, the present application has been moved. PW-1-Prem Singh has appeared from the office of Assistant Allotment Branch & Estate Office, HUDA and stated in his cross-examination that as per HUDA policy, industrial plot cannot be transferred. Thereafter, the present application for amendment has been filed (Annexure P-10). While dismissing the application, it has been observed that petitioner deliberately wants to incorporate the guidelines and policy of HUDA in his written statement which was in the knowledge of him. It cannot be said that

petitioner/defendant No.1 was not aware all the policies and guidelines of HUDA prior to submitting his written statement.

Learned counsel for the respondents had informed the Court on 10.01.2017 that there was condition No.25 of the policy in the allotment letter that allottee had to start production of the unit for one year and it can only be transferred after wards but no construction was going on there at that time. Finally, according to HUDA Policy, the said industrial plot could not have been transferred. The petitioner should have been verified the condition as mentioned above. The allotment in the present case was made on 28.07.2006.

In view of the above, petitioner-defendant was aware about the condition as mentioned even at the time of agreement to sell on 16.02.1999 and even at the stage of filing separate written statement on 26.10.2012. Hence, the amendment in written statement is rightly declined by the learned trial Court.

Revision petition is dismissed accordingly.

(RITU BAHRI)
JUDGE

05.07.2017
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>